UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,295	12/04/2001	Sayling Wen	3313-0439P-SP	8936

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
RIVERO, MINERVA

ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/000,295	WEN ET AL.
		Examiner	Art Unit
		Minerva Rivero	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-16* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>04 December 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1, 8-11, 14 and 16 are rejected under 35 U.S.C. 102(b) as being

anticipated by Parry *et al.* (US Patent 6,077,085).

3.   Regarding claim 1, Parry *et al.* disclose a system comprising

a question-generating module, which generates a question signal according to a

number inherently generated by a random number generator and sends it to the user

(Col. 15, Lines 7-9; Col. 18, Lines 1-11; Col. 12, Lines 52-59);

a sentence-making language-learning module, which generates a sentence-

making signal when the question signal is received and determines whether the

message input by the user is correct (Col. 12, Lines 52-59; *Real-Time Response*

Evaluation, Col. 17, Lines 43-50; *Response Evaluation Procedure Flowchart*, Fig. 9)

and a sentence pattern database, which stores at least one sentence pattern

sample datum for the question-generating module and the sentence-making language-

learning module to use *(word, phrase and sentence database with tagging according to

constructs' grammar, syntax and vocabulary concept*, Col. 3, Lines 21-36).

4.   Regarding claim 9, Parry *et al.* further disclose

the conversational foreign language speaking and listening ability training system

is used on a computer executable hardware platform selected from the group consisting

of a PC (Personal Computer, a NB (Notebook), or a PDA (Personal Digital Assistant)

(Computer Hardware, Col. 5, Line 60 – Col. 6, Line 18; Fig. 1).

5.   Regarding claim 10, Parry *et al.* disclose a method comprising the steps of

establishing at least one sentence pattern sample in a sentence pattern database

(Col. 3, Lines 21-36; *grammar patterns and identifying sentences of a particular

grammar principle*, Col. 7, Lines 32-42; *concept tagging method*, Fig. 3);

using a question-generating module to output a question sentence *(Question and

Answer Sentence Builder*, Col. 12, Lines 52-59);

using a sentence-making language-learning module to perform a sentence-

making job *(Sentence Builder*, Col. 12, Lines 42-51; *Question and Answer Sentence

Builder*, Col. 12, Lines 52-59)

and waiting for a user to complete the sentence-making job (*Sentence Builder*, Col. 12, Lines 52-59).

6.   Regarding claim 11, Parry *et al.* disclose

obtaining a sentence pattern sample datum from the sentence pattern database according to a random number (*questions are randomly presented to the student*, implying use of a random number generator, Col. 15, Lines 7-9; Col. 18, Lines 1-4 and 10-11);

formatting the sentence pattern sample datum and output it to the sentence-making language-learning module (*constructs are arranged according to their grammar, syntax and vocabulary tags*, Col. 3, Lines 21-36; Col. 7, Lines 32-42);

asking the user through a question sentence speech model and a question sentence text (*question may be presented in audible or textual form*, Col. 12, Lines 15-20).

7.   Regarding claims 8 and 16, Parry *et al.* further disclose

the user operating interface uses a basic I/O (Input/Output) device to perform I/O

and the basic I/O device is selected from a grouping consisting of a keyboard, a mouse

a digital touch-control panel, and a speech playing system (*Computer Hardware*, Col. 5,

Line 60 – Col. 6, Line 18).

8.   Regarding claim 14, Parry *et al.* disclose

using the sentence-making language-learning module to obtain an answer

sentence text and an answer sentence speech model from the sentence pattern

database to use as a comparison sample (if response is incorrect, correct answer is

shown to the student, Col. 3, Lines 64-67);

dividing the answer sentence text into individual words, shuffling the words, and

outputting the result to the user (Col. 3, Lines 48-51);

receiving a message input by the user (*student answers*, Col. 3, Lines 56-59);

sending the input message to an adder according to the FCFS principle

(*Sentence Builder*, Col. 12, Lines 42-51);

determining whether the input is over (*growing sentence is added upon in each

step*, Col. 12, Lines 42-51);

combining pieces stored in the adder and comparing the result with the

comparison sample (*next step adds to initial sentence*, Col. 12, Lines 42-51) and

checking the sentence making job (*step is checked for accuracy*, Col. 12, Lines

42-51).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 2-7 and 12-13 and 15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Parry *et al.* (US Patent 6,077,085).

11.   Regarding claim 2, Parry *et al.* do not explicitly disclose

providing a random number list for storing a random number series.

However, the examiner takes Official Notice that it is a well-known and common

practice in the art to store validated numbers in order to have them readily available for

future use.

Therefore it would have been obvious to one ordinarily skilled in the art at the

time of the invention to have store validated numbers in Parry *et al.*'s language learning

system in order to have the random numbers available for future reference.

12.   Regarding claims 3, 4 and 6, Parry *et al.* do not explicitly disclose

        the sentence-making language-learning module provides a buffer and an adder;

        the buffer stores a comparison sample fro comparing with the data in the adder

and

        the adder receives a message input by the user and processes it according to

the FCFS (First Come First Served) principle.

        However, the examiner takes Official Notice that it is well known in the art to

provide a buffer to store data in a data processing system, and to provide an adder to

perform the basic mathematical and logical functions necessary to compare the data.

        Therefore it would have been obvious to one ordinarily skilled in the art at the

time of the invention to have a buffer and an adder in Parry *et al.*'s language learning

system in order to enable the storing and comparison of data accordingly.

13.   Regarding claim 5, Parry *et al.* further disclose

        the comparison sample is an answer corresponding to the randomly generated

question (*sample sentences are used in creating exercises*, Col. 7, Lines 9-17; *correct answer is shown to student*, Col. 3, Lines 64-67).

14.   Regarding claims 7, 12 and 13, Parry *et al.* disclose a system and method comprising

an answer sentence text, which is an answer presented in text (Col. 7, Lines 27-31; Col. 12, Lines 14-19; Col. 13, Lines 1-8 and 23-26; Col. 11, Lines 32-35; Col. 12, Lines 15-20-25);

a question sentence text, which is a question presented in text (Col. 7, Lines 27-31; Col. 12, Lines 14-19; Col. 13, Lines 1-8 and 23-26; Col. 11, Lines 32-35; Col. 12, Lines 15-20-25);

an answer sentence speech model, which is an answer sentence presented in speech (Col. 7, Lines 27-31; Col. 12, Lines 14-19; Col. 13, Lines 1-8 and 23-26; *presented audibly*, Col. 11, Lines 32-35; Col. 12, Lines 15-25) and

a question sentence speech model, which is a question sentence presented in speech (Col. 7, Lines 27-31; Col. 12, Lines 14-19; Col. 13, Lines 1-8 and 23-26; *presented audibly*, Col. 11, Lines 32-35; Col. 12, Lines 15-25).

However, Parry *et al.* do not explicitly disclose

a sentence pattern code, which is a serial number of the sentence pattern

sample data and corresponds to a random number. The examiner takes Official Notice

that it is notoriously well-known in the art to index an element in a list through a code or

serial number in order to distinguish between the various elements and refer to them

properly.

Therefore it would have been obvious to one ordinarily skilled in the art at the

time of the invention to include a serial number to identify a sentence pattern sample in

Parry *et al.*'s language learning system in order to successfully identify and retrieve in

random order the various sentence patterns in the database.

15.   Regarding claim 15, Parry *et al.* do not explicitly disclose

the adder receives and temporarily stores the message input by the user and

processes it according to the FCFS principle.

However, the examiner takes Official Notice that it is well known in the art to

provide an adder to perform the basic mathematical and logical functions necessary to

compare the data.

Therefore it would have been obvious to one ordinarily skilled in the art at the

time of the invention to have an adder in Parry *et al.*'s language learning system in order

to enable the storing and comparison of data accordingly. [Note: See *Sentence Builder*,

Col. 12, Lines 42-51).]

Conclusion

16.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Hopp *et al.* (US 2002/0161732) disclose a language-learning system that

includes exercises where a series of words are shuffled and the user is prompted to

rearrange them into the correct order.

Ferguson *et al.* (US 2002/0077166) disclose a game in which a series of words

must be arranged correctly.

Nir (US Patent 6,704,699) discloses an apparatus that uses text-to-speech

synthesis to teach pronunciation of text in a foreign language.

Corder (US Patent 5,387,104) discloses a computerized method and system of

teaching a foreign language involving the use of speech recognition and synthesis.

17.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Minerva Rivero whose telephone number is (703) 605-

4377. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Talivaldis Ivars Smits can be reached on (703) 305-9508. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

MR 11/30/2004

DAVID L. OMETZ
PRIMARY EXAMINER